

LEWIS
ANDROCA
LLP

L A W Y E R S

E-Filed on 3/30/09

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF USACM
LIQUIDATING TRUST TO PROOFS
OF CLAIM BASED UPON
EQUIPMENT LEASES**

Hearing Date: April 30, 2009

Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. The USACM Trust seeks to disallow your claim because the
USACM Trust contends that you failed to provide information on the value of the**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 leased equipment and you failed to provide documentation that you mitigated your
2 damages.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
6 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
7 CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.

8 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust by and
9 through its counsel, has filed an Omnibus Objection of USACM Liquidating Trust to
10 Proofs of Claim Based Upon Equipment Leases (the "Objection"). The USACM Trust
11 respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the
12 United States Code (the "Bankruptcy Code") disallowing the lease claims listed on the
13 Objection in their entirety.

14 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
15 before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal
16 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
17 **April 30, 2009, at the hour of 9:30 a.m.**

18 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 30,
19 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
20 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
21 HEARD ON THAT DATE.

22 NOTICE IS FURTHER GIVEN that any response to the Objection must be filed
23 by **April 23, 2009,** pursuant to Local Rule 3007(b), which states:

24 If an objection to a claim is opposed, a written response must
25 be filed and served on the objecting party at least 5 business
26 days before the scheduled hearing. A response is deemed
sufficient if it states that written documentation in support of
the proof of claim has already been provided to the objecting

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party and that the documentation will be provided at any evidentiary hearing or trial on that matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: March 30, 2009

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ# 18024)
Rob Charles, NV 6593
John Hinderaker, AZ 18024
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320
Counsel for USACM Liquidating Trust

Copy of the foregoing mailed by first class postage prepaid U.S. mail on March 30, 2009 to:

Bank of America Leasing
Successor By Merger to
Fleet Business Credit, LLC
c/o Veronika A Rager
Risk Operation Team Manager
305 W Big Beaver, Suite 400
Troy, MI 48084

National City Commercial Capital
Corporation
f/k/a Information Leasing Corporation
Lisa M Moore Esq
995 Dalton Avenue
Cincinnati, OH 45203

/s/ Carrie Lawrence
Carrie Lawrence